

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CITY OF BILOXI, MISSISSIPPI

Plaintiff,

v.

FEDERAL EMERGNCY MANAGMENT
AGENCY (FEMA) and PETER T. GAYNOR,
in his official capacity as administrator.

Defendants.

Case No.: 1:19-cv-00363-KS-RHW

AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the joint motion of the parties to dismiss this matter without prejudice, and the Court, having considered the same, does find as follows:

1. Following the reversal of FEMA's de-obligation of \$8.8 million dollars, the City of Biloxi ("City") amended its Complaint [ECF NO. # 12], seeking approval of payment of cost items within the remaining allocated balance for the City's Biloxi Post-Katrina Infrastructure Repair Program, through the anticipated completion date of December 31, 2024.

2. The parties acknowledge all "feeder" projects [PW 10977; 10998; 10999; 11000; 11001; 11015; 11016; 11017; 11018; 11019; 11020; 11021; 11022; 11023; 11043; 7112; and 11235] have been collapsed into PW 11253, the "master" improved project worksheet [IPW11253].

3. As the feeder projects have already been collapsed into one PW, the City's claims in this lawsuit are premature and the City agrees to dismiss this matter without prejudice.

4. All parties reserve all rights, claims, and defenses. Each side will bear their own costs.

IT IS THEREFORE ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this the 28th day of July, 2020.

/s/ Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE

Submitted by:

/s/Peter Abide
PETER ABIDE
COUNSEL FOR PLAINTIFF

/s/Gregg Mayer
GREGG MAYER
ASSISTANT U.S. ATTORNEY
COUNSEL FOR DEFENDANT